



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

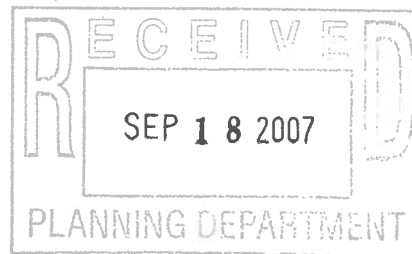
Christine Gleckner, AICP
Land Use Planner
(571) 209-5776
cgleckner@ldn.thelandlawyers.com

September 14, 2007

Via Hand Delivery

Ms. Judi Birkitt, Project Planner
Loudoun County Department of Planning
One Harrison Street
Leesburg, VA

Re: Yardley ZMAP 2006-0019
Second Referral Comments



Dear Ms. Birkitt:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold italics.

LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(KELLY WILLIAMS, 8/16/2007)

OUTSTANDING ISSUES

1. Civic Uses and Community Facilities

Staff recommends that the application commit to incorporating some type of public/civic space into the proposed neighborhood, such as a landscaped area with a gazebo, amphitheater, picnic pavilion, or public shelter associated with a park in order to comply with the Land Use Mix policies of the Plan.

Applicant Response: *The applicant is committing to open space Parcel A as shown on Sheet 2 of the Concept Plan, which provides community amenities including a tot lot, picnic pavilion, playing field and SWM/BMP facility.*

2. Public Parks & Open Space

PHONE 703 737 3633 ■ FAX 703 737 3632 ■ WWW.THELANDLAWYERS.COM
1 E. MARKET STREET, THIRD FLOOR ■ LEESBURG, VA 20176-3014

ARLINGTON OFFICE 703 528 4700 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

According to the response letter, the applicant is proposing 1.33 acres of common open space to include a multi-purpose trail along Route 659, an active recreation area with a tot lot and a potential “wet pond” stormwater management facility. The actual acreage of the three open space areas has not been identified on the CDP or in the proffers. According to staff’s calculations, the neighborhood should include a total of 2.86 acres of public parks and open space. An insufficient amount of open space has been provided.

Type of Open Space	Should be provided (per Plan Policies)	Actually provided (per response letter)
Interior (75% of open space)	2.14 acres	Not stated
Exterior (25% of open space)	0.72 acres	Not stated
Total (30% of total acreage)	2.86 acres	1.33 acres

Staff continues to recommend that additional interior open space be provided throughout the proposed neighborhood, such as community greens, pocket parks, and/or tree conservation areas. Staff also recommends that the applicant commit to enhancements of the stormwater management facility so it will be an amenity for the community year round and can be counted towards the required open space.

Applicant Response: *The area of open space parcels A, B and C is shown on the revised CDP. A future right-of-way area has been provided that will serve as a tree conservation area until such time as, if ever, the right-of-way dedication is required. The project engineer has advised that there isn’t sufficient drainage area to commit to a wet stormwater management pond. However, the applicant is committing to provide an enhanced extended detention facility in response to an ERT recommendation. The Comprehensive Plan policies regarding open space are more appropriately applied to a cluster style of development. This application proposes the conventional suburban design option under the R-4 district regulations, which provides the “open space” in larger lot areas and less area in common open space. The larger lot design was chosen for greater compatibility with the Providence Ridge community located adjacent to the property on its south side.*

3. **Existing Conditions**

a. **Forests, Trees, and Vegetation**

The applicant has shown an inventory of five trees with a diameter in excess of thirty inches which have been proffered to be preserved. While preserving the more mature trees is commendable, there is still a potential to provide tree save areas along the perimeter of the site and within open space areas. A detailed description of the existing tree cover has not been provided for those areas.

Staff continues to recommend that a more detailed description of the existing tree cover in the site’s interior be submitted to the County so that staff can fully assess opportunities for tree

preservation. Staff further recommends that the application commit to preserving the site's existing vegetation – both around the site's perimeter as well as additional open space areas – by identifying Tree Conservation Areas (TCAs) on the Concept Plan. Lastly, staff recommends that a forest management plan be committed to that will ensure that any designated TCAs will be a functional and attractive natural area.

Applicant Response: *The applicant is committing to limits of clearing and grading 15 feet from the rear of lots 1-9 and 23-26 to help preserve the existing tree lines along the perimeter of the property. The area reserved for future right-of-way dedication shown on the CDP will be maintained as a tree conservation area until such time as, if ever, the right-of-way dedication is required. The applicant also will provide a Tree Conservation Plan with the first submission of the preliminary plan, as required by the Facilities Standards Manual.*

b. Historic Resources

While the Phase I report finds that no further archaeological work is recommended, staff continues to recommend that the findings of the survey be delineated on the Existing Conditions plat and the Composite Map.

Applicant Response: *The sites identified in the survey have been delineated on the Existing Conditions Plat.*

4. Road Noise Impacts

The proposed development is adjacent to the section of Gum Springs Road (Route 659) that is planned to become part of the West Spine Road. Although Gum Springs Road is currently two lanes, this road will, per the Revised Countywide Transportation Plan, ultimately be a six lane, median-divided major collector. The applicant has proffered a 75' setback with a type 3 buffer, including a 4 foot earthen berm along Route 659. This will help mitigate the noise impact; however it does not ensure that the interior noise level will not exceed 52 decibels (Revised General Plan, Noise Abatement Criteria (NAC) Hourly A-Weighted Sound Levels, p. 5-45).

Staff recommends that a noise analysis be conducted and provided to the County at the time of site plan review in order to ensure that the proposed residences will not be adversely impacted by current or future roadway noises. Staff would like the opportunity to review and comment on the analysis prior to site plan approval.

Applicant Response: *The applicant has proffered to provide a noise study at the time of site plan review.*

5. Site Design and Layout

a. Streetscape

The response letter submitted with this application states that the applicant is considering using a variety of building types and details. No detailed information has been submitted.

Staff continues to recommend a commitment that the proposed housing units include a variety of building types and details with the garages set back at least 15 feet from the front of the buildings.

Applicant Response: *The revised proffers include a commitment to a variety of building elevations, entryway features, doors, rooflines, materials and lot landscaping to promote the desired variety in the community.*

b. Interparcel Connection

The revised concept plan has eliminated the proposed interparcel connection to the vacant property to the east. This is not in compliance with the policies of Revised CTP.

Staff recommends that the application include an interparcel connection to the vacant property to the east per Plan policies.

Applicant Response: *A right-of-way reservation for future interparcel connection to the east is shown on Sheet 2 of the revised CDP.*

6. Affordable Housing

Although it is not required by the Zoning Ordinance, staff encourages the Applicant to consider providing ADUs to assist the County in achieving affordable housing goals.

Applicant Response: *It is not feasible for the applicant to provide ADUs in this community.*

RECOMMENDATIONS

The proposed residential development generally conforms to the land use and density planned for the subject property. However, staff recommends the following:

- Provide and commit to a public space, such as a large gazebo, amphitheater, picnic pavilion, or public shelter;

Applicant Response: *The applicant is committing to open space Parcel A as shown on Sheet 2 of the Concept Plan, which provides community amenities including a tot lot, picnic pavilion, playing field and SWM/BMP facility.*

- Provide and commit to additional open spaces within the development, such as community greens, pocket parks, tot lots, and/or tree conservation areas;

Applicant Response: *The applicant will maintain the right-of-way reservation as a tree conservation area until such time as, if ever, the right-of-way dedication is required.*

- Provide and commit to enhancements to the proposed stormwater management facility;

Applicant Response: *The project engineer has advised that there isn't sufficient drainage area to commit to a wet stormwater management pond. However, the applicant is committing to provide an enhanced extended detention facility in response to an ERT staff recommendation.*

- Clearly identify the Tree Conservation Areas (TCAs) on the Concept Development Plan (CDP) and commit to a long-term forest management or tree conservation plan;

Applicant Response: *The interim TCA is identified on the CDP, and the applicant also will provide a Tree Conservation Plan with the first submission of the preliminary plan, as required by the Facilities Standards Manual.*

- Provide and commit to an interparcel connection to the adjacent property to the east; and

Applicant Response: *A right-of-way reservation for future interparcel connection to the east is shown on Sheet 2 of the revised CDP.*

- Provide and commit to a variety of building details.

Applicant Response: *The revised proffers include a commitment to a variety of building elevations, entryway features, doors, rooflines, materials and lot landscaping to promote the desired variety in the community.*

LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING ADMINISTRATION (RORY TOTH, 7/23/2007)

A. ZONING ORDINANCE COMMENTS

1. **Section 3-404(B) Lot Width.** This Section of the Zoning Ordinance requires that single family residential lots be at least 80 feet in width. It appears that numerous lots (i.e. Lots 1, 2, 13) do not meet this 80 foot requirement. Also, it appears that the cul-de-sac lots may not be designed in accordance with Section 1-205(B). Staff recommends a typical lot detail be provided on the CDP to help address these issues.

Applicant Response: *A typical lot detail has been provided on the CDP. All of the proposed lots will meet the Zoning Ordinance requirements.*

2. **Section 3-410 Active Recreation Space.** The CDP illustrates a “possible SWM/BMP” within the required active recreation area. Staff also notes that a storm water pond/bmp does not meet the definition of “recreation apace, active”, as listed in Article VIII of the Zoning Ordinance. Explain how a SWM/BMP meets the definition stated above. Staff notes that the types of active recreation uses proposed must meet the definition in Article VIII of the Zoning Ordinance. The Applicant should clarify what is meant by a “5,000 square foot playing field.” The CDP illustrates no sidewalks connecting the trail on the west side of the property to access the active recreation area and no means of access for

pedestrians to go to and from open space areas and the active recreation area.

Applicant Response: *The revised CDP provides a detail of the active recreation area including a 5,000 s.f. playing field, a 2,000 s.f. tot lot, a picnic pavilion, and a trail connecting to all of these facilities.*

3. **Section 5-200 Permitted Structures in Required Yards.** Staff notes that the revision to the CDP still illustrates the existing 75 foot setback from Route 659 encroaching onto Lots 1, 11, 13-15, which may affect the ability of homebuyers to construct decks and other accessory structures on the lots. Currently, the setback encroaches into the required 25 foot rear yard by 15 feet. While an attached deck over 30 inches in height can encroach up to 10 feet into a 25 foot rear yard, Staff recommends that the required setback be located off the lots, or at a minimum, are no greater than the required yard. Staff recommends that potential homebuyers be notified of such setback restriction and its affect on the construction of decks and accessory buildings.

Applicant Response: *The 75' setback from Route 659 encroaches no further into the rear yards of Lots 12, 13 and 14 than the normal lot setback. It creates a larger side yard setback on Lots 1 and 10 than the normal side yard setback, and this setback will be shown on all plats for the lot and property.*

B. ZONING MAP AMENDMENT CONSIDERATION ITEMS

1. **Section 6-1211(E) (Item 2).** The Applicant must demonstrate that this zoning map amendment application will not further burden the supportive non-residential uses (i.e. schools, parks, libraries, retail stores, etc.) in adjacent communities such as Stone Ridge and South Riding, by providing data demonstrating that sufficient capacity are available in these communities.

Applicant Response: *The purpose of the capital facilities proffers guidelines is to provide a monetary contribution that offsets the impact the proposed use will have on County capital facilities. The applicant is proffering to provide the recommended capital facilities contribution, which address this item.*

2. **Section 6-1211 (E) Item 15.** The Applicant has not provided a mixture of moderate housing opportunities for all qualified persons of Loudoun County. Although not required on this property, the Applicant has not proposed any Affordable Dwelling Units (ADUs), which would further enhance the housing opportunities for all qualified residents.

Applicant Response: *It is not feasible for the applicant to provide ADUs in this community.*

C. PROFFERS

1. **Proffer III.A. Recreational Amenities and Sidewalks.** Staff notes that the trigger for construction of recreational amenities and sidewalks on property is “*in conjunction with the development of the adjacent residential areas and the construction of the adjacent streets and infrastructure.*” Staff notes that this statement is vague. Staff recommends that the proffer trigger for the construction of amenities and sidewalks be prior to the first zoning permit. Staff notes that the uses in the active recreation area on the CDP must meet the definition of “recreation space, active” in Article 8.

Applicant Response: *The proffer has been revised with regard to the trigger for the construction of the recreational amenities and the trail serving these amenities, which will occur at the time of issuance of the first occupancy permit. Sidewalk construction is tied to the construction of the public street network.*

2. **Proffer IV. A Route 659 Dedications and Improvements.** This Proffer states that the dedication and improvements for Route 659 are shown on the CDP. Staff notes that the area of dedication and improvements are not shown on the CDP.

Applicant Response: *The dedication is shown on the CDP and has found to be acceptable by OTS staff.*

3. **Proffer VII.A. Environment.** This proffer states that “The Applicant shall save the five trees located on Parcels B and C.....as shown on the CDP. Staff notes that the trees referenced in this proffer are not shown on the CDP. The Proffer should specify what exact measures will be used to ensure the preservation of these trees.

Applicant Response: *The five specimen trees to be saved are shown on the revised CDP, and the proffer has been revised as recommended.*

4. **Proffer VII.E. Route 659 Buffer.** Staff notes that the Applicant is proffering a Type III Rear Buffer Yard with a minimum 4-berm in the open space along Route 659. As the proposed buffer is greater than what is required by the Zoning Ordinance, the proffer should clarify if whether a stockade fence or masonry wall will be located in the proposed rear buffer yard. Also, the Type III rear buffer and typical detail should be illustrated on the CDP.

Applicant Response: *With this submission, the Route 659 buffer proffer has been deleted. Instead, the applicant is proffering to provide the recommended noise study along with the commitment to install any needed measures (potentially including landscape buffer and berm) recommended in the study.*

5. **Proffer XII. Best Management Practices.** Regarding the last sentence of this proffer, Staff notes that the “LID Areas” referenced in this proffer are not shown on the CDP.

Applicant Response: *With this submission, the LID language in the proffers has been clarified. Additionally, an enhanced extended detention facility is proffered as recommended by ERT staff.*

D. CAPITAL FACILITIES COMMENTS

The following comments were provided by Dan Csizmar, Capital Facilities Planner, on July 13, 2007.

1. Proffer III.B - Please ensure that the trail provided along Route 659, Gum Spring Road, connects with any trails on adjacent parcels running along the road.

Applicant Response: *The proffer has been revised as recommended.*

2. Proffer VIII.A- Please include among the HOA General Responsibilities snow removal and maintenance on all private streets within the development.

Applicant Response: *There are no private streets in the community.*

E. CONCEPT DEVELOPMENT PLAN ISSUES

1. Revise Note #1 on Sheet 1 of the CDP and add the following statement after Airport Impact Overlay District, "located within the LDN 60 1-mile buffer noise contour."

Applicant Response: *The note has been revised as recommended.*

2. Provide a typical lot layout detail illustrating the required yards, lot size, lot width, and setbacks for the single family detached units proposed in this development.

Applicant Response: *A typical lot layout detail has been provided.*

LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT (MARIA FIGUEROA TAYLOR, 7/26/2007)

After a review of the second submission of the above captioned application Staff has no further comments.

Applicant Response: *Comment noted.*

LOUDOUN COUNTY SANITATION AUTHORITY (MARC SCHWARTZ, 7/11/2007)

The Sanitation Authority has reviewed the referenced Zoning Map Amendment Petition and offers no objection to its approval. Public water and sanitary sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy; Rates, Rules and Regulations; and Design Standards; and with all requirements of the County of Loudoun.

Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority. Detailed comments on the design of the public water and sanitary sewer facilities will be addressed during the Sanitation Authority's Utility Extension Request process.

Applicant Response: *Comments noted and acknowledged.*

LOUDOUN COUNTY HEALTH DEPARTMENT (JOHN DAYTON, 6/27/2007)

This Department reviewed the plat, prepared by Paciulli Simmons Associates revised 06-15-07, and recommends approval with the following conditions to the proposal.

- 1) All the proposed lots and structures are properly served by public water and public sewer.
- 2) All existing wells and drainfields are shown on future plats. Note, as per Health Department records all 3 parcels are currently served by onsite well and septic.
- 3) All existing wells and drainfields are properly abandoned (Health Department permit required) prior to submission of record plat or razing of the structure, which ever is first.

Applicant Response: *Comments noted and acknowledged.*

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ENVIRONMENTAL REVIEW TEAM (TODD TAYLOR, 8/3/2007)

Regarding the Phase I Environmental Site Assessment reports

1. The applicant's response states that a Phase II Environmental Site Assessment has been started and will be submitted under separate cover as soon as it is complete. Staff requests an opportunity to review the assessment. Staff recommends that the assessment be completed prior to the approval of the rezoning application.

Applicant Response: *The applicant agrees to provide the Phase II study prior to approval of the rezoning application.*

2. For clarity and to include a timing mechanism, staff recommends replacing Draft Proffer VII.C with the following: “The Applicant agrees to perform all remediation activities, in accordance with applicable local, state, and federal regulations, as recommended by the Phase II Environmental Site Assessment, prepared by *insert consultant name*, dated *insert date*. Evidence of completion of all remediation activities will be provided to the County prior to the approval of the preliminary subdivision application.”

Applicant Response: *Proffer VII.C has been revised as recommended.*

Regarding forest resources

3. Tree preservation for the entire site is limited to five trees located on Parcels B and C. Furthermore, the survivability of these trees is a concern given the required construction activities associated with the proffered 4-foot berm along Route 659. Staff recommends revising the proposed layout to better accommodate the preservation of existing vegetation. Staff notes that the current layout reflects the Suburban Design Option in Section 3-404 of the Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO), which does not include perimeter buffering. Staff recommends that the applicant consider one of the other design options to better accommodate tree preservation. Incorporating existing vegetation into the project will provide water quality and habitat benefits as well provide some buffering and separation from adjacent uses. Please also see related comment below regarding noise impacts.

Applicant Response: *The applicant maintains that the Suburban Design Option remains the best configuration for this parcel. The proffer providing a berm along Route 659 has been deleted. The applicant has proffered to limits of clearing and grading that will preserve the perimeter along lots 1-9 and 23-26.*

Regarding water quality

4. Limited information regarding the project’s stormwater management (SWM)/best management practice (BMP) approach has been provided with this application. The majority of the site is located within the Bull Run Watershed and drains to the Occoquan Reservoir, a drinking water supply. As such, staff recommends that the applicant provide a commitment stating that any pond(s) constructed on the property will be enhanced extended detention.

Applicant Response: *The applicant has proffered that the stormwater management facility will be designed as enhanced extended detention facility.*

Regarding wetlands

5. The applicant’s responses refer to a letter attachment from the U.S. Army Corps of Engineers, dated February 12, 2007, confirming that there are no wetlands on site. However, no letter was attached to the responses. Please provide a copy of the letter for staff to review.

Applicant Response: *The U.S. Army Corps of Engineers letter has been submitted to staff.*

Other

6. In response to staff's noise concerns associated with the ultimate configuration of Gum Springs Road, that applicant provided Draft Proffer VII.E, which requires a Type 3 Rear Buffer Yard and a 4-foot berm along Gum Springs Road. Staff is concerned that the installation of the berm will significantly impact the critical root zone of the five trees proposed for preservation. As such, staff continues to recommend that the applicant commit to conducting a noise impact study to determine whether noise attenuation measures are warranted. If the study cannot be provided for review prior to the rezoning application, staff recommends that the applicant consider the following noise study commitment, similar to commitments provided with other approved rezoning projects:

"The applicant will provide a noise impact study to the County that will determine the need for any additional buffering and noise attenuation measures along Gum Spring Road (West Spine Road). The noise impact study shall be based upon traffic volumes for the roadway consistent with the 2030 forecast from the Loudoun County Transportation Forecasting Model available from the Office of Transportation Services, the ultimate road configuration as defined in the Revised Countywide Transportation Plan, and the ultimate design speed. This noise impact study will be conducted by a certified professional engineer and submitted to the County concurrently with the first site plan or construction plan, whichever is first in time. Noise impacts occur if noise levels substantially exceed the existing noise levels (a 10 decibel increase over existing levels) or approach (one decibel less than), meet, or exceed the Noise Abatement Criteria identified in the Revised Countywide Transportation Plan. For all impacted uses, noise attenuation measures shall be provided along the specified roadway sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any impacted structures. Noise attenuation shall result in noise levels less than impact levels (2 decibels less than the Noise Abatement Criteria) and shall result in a noise reduction of at least 5 decibels. Where noise attenuation measures are needed, priority shall be given to passive measures (to include adequate setbacks, earthen berms, wooden fences, and vegetation). Structural noise attenuation measures (e.g., noise walls) shall only be used in cases where the mitigation cannot otherwise be achieved."

Applicant Response: *The proffer for a berm along Route 659 has been deleted, and the recommended language for a noise study proffer has been included in the proffer statement.*

7. Staff understands that the Phase I Archeological Survey recommended no additional archeological work. However, as they are existing condition, please identify the one archeological site (44LD1382) and four archeological locations on the Existing Conditions Plat.

Applicant Response: *The Existing Conditions Plat has been revised to include the archeological site.*

Status of Transportation Issues/Comments

Staff comments from the first referral, along with the Applicant's response (quoted directly from its June 15, 2007 response letter) and issue status, are provided below.

1. **Initial Staff Comment:** The Applicant's traffic study assumes and statement of justification makes reference to a "full-access site driveway" (including median crossover) at the site entrance onto Gum Spring Road. The location of this intersection is approximately 650 feet south of the Gum Spring Road/Tall Cedars Parkway intersection; this distance is less than the 800-foot desirable median crossover spacing for this segment of Gum Spring Road as identified in the Revised CTP. Approved construction plans (CPAP-2002-0189 and subsequent revisions) for widening the segment of Gum Spring Road between Tall Cedars Parkway and Braddock Road to a four-lane divided (U4M) section do not show a median crossover at this location. Without a crossover, the Applicant's site entrance could only function in a right-in, right-out configuration.

Applicant's Response: The Applicant acknowledges that this site ultimately will not have a crossover per the Route 659 improvement plans, because adequate crossover spacing does not exist, and that site entrance will function in a right-in/right-out configuration. The statement of justification has been revised accordingly.

Issue Status: Issue resolved with respect to not having a median crossover at this location. However, the concept plan (plat) depicts a median crossover at Providence Ridge Drive (approximately 550 feet south of the entrance to this site). This is not consistent with the most recently approved construction plans for Route 659 (i.e., CPAP 2007-0017 (5th Revision to CPAP 2002-0189)), which depicts the nearest median crossover to the south at Greenstone Drive, approximately 1,700 feet south of the entrance to this site. Please clarify and correct plat accordingly. See also Comment #5 below.

Applicant Response: *The CDP has been revised to remove the median crossover previously shown at Providence Ridge Drive.*

2. **Initial Staff Comment:** The Applicant's traffic study assumes that a four-lane divided (U4M) section of the West Spine Road will be in place by 2008 (the projected buildout date of the subject property). However, completion of a four-lane section of the West Spine Road from Route 50 south to Tall Cedars Parkway does not appear to be likely by 2008 given that (1) construction plans have not been filed for the second pair of (future southbound) lanes; and (2) right-of-way has not been acquired for the second pair of (future southbound) lanes. Additionally, construction has not commenced to date on the widened portion of Gum Spring Road between Tall Cedars Parkway and Braddock Road. Given these circumstances, it appears that levels of service at the Route 50 intersection(s) in the vicinity of the site will remain unacceptable at buildout of this project.

Applicant's Response: See approved CPAP 2002-0189.

Issue Status: While the traffic study did assume that all four lanes of the West Spine Road would be in place by buildout of this project in 2008, OTS assumes that only the two northbound lanes will be in place by that time. CPAP 2002-0189 (and subsequent revisions) only proposes construction of two lanes of the West Spine Road between Route 50 and Tall Cedars Parkway; right-of-way has been acquired for these two lanes across two of the three parcels necessary. These initial two (northbound) lanes will operate at acceptable LOS due to the one-way pair configuration anticipated to be in place until all four lanes of the West Spine Road are constructed (i.e., northbound traffic would use the two new lanes of the West Spine Road, while southbound traffic would use the two existing lanes of Existing Route 659 (Gum Spring Road) from Route 50 to Tall Cedars Parkway). The Route 50/Existing Route 659 Intersection would still operate at unacceptable LOS during this interim condition; however, resolution of this issue does not rest with this application. Issue resolved.

Applicant Response: *Comment noted.*

3. **Initial Staff Comment:** The Applicant should dedicate any necessary right-of-way to accommodate construction of a four-lane Gum Spring Road consistent with approved construction plans (CPAP 2002-0189 as revised).

Applicant's Response: The proposed right-of-way dedication is in conformance with the ultimate typical section for Old Route 659/West Spine Road and the approved construction plans (CPAP 2002-0189). The existing two lanes of Old Route 659 will become the northbound lanes of the West Spine Road and the two new lanes (future southbound lanes of the West Spine Road) will be constructed west of the existing lanes.

Issue Status: The proposed right-of-way dedication shown on the plat is consistent with the approved construction plans for this segment of Gum Spring Road (CPAP 2007-0017). Issue resolved.

Applicant Response: *Comment noted.*

4. **Initial Staff Comment:** Per the **Revised CTP**, turn lanes are required at all intersections along the future West Spine Road. The Applicant should commit to dedication of necessary right-of-way for and construction of a right turn lane into the site from the northbound Gum Spring Road.

Applicant's Response: Additional right-of-way and exclusive right turn lane into the site entrance are provided with this application. See Proffer IV.A.2.

Issue Status: The Applicant has agreed to construct a right turn lane into the site if warranted by VDOT or the County or desired by the Applicant, and has included language to this effect in the proffer statement. Area for right turn lane right-of-way dedication is depicted on the plat. Issue resolved.

Applicant Response: *Comment noted.*

5. **Initial Staff Comment:** The Applicant should provide for a cul-de-sac bulb (possibly temporary) at east end of main road through the site. Provision of an interparcel connection to the "Beach Realty" property (referenced as a possibility in the Applicant's Statement of Justification) is strongly recommended given the likelihood that a median crossover (and direct access to the site from southbound Gum Spring Road) is not likely given proximity of the proposed site entrance to the intersection with Tall Cedars Parkway.

Applicant's Response: All of the internal public streets are proposed to be terminated with permanent cul-de-sac turn-arounds.

Issue Status: Staff reiterates its comment that the Applicant preserve the possibility of an interparcel connection with the "Beach Realty" property to the east. Access through that parcel would allow for a connection to future Tall Cedars Parkway, providing an alternate means of ingress/egress to the proposed development. This interparcel access is critical given the amount of site traffic assumed by the traffic study to be oriented to the north (90%) and the distance to the nearest proposed crossover to the south of the site (approximately 1,700 feet), at which all southbound site traffic would need to make U-turns. Issue not resolved.

Applicant Response: *The CDP and proffers have been revised to provide a ROW reservation for an interparcel connection to the east. A proffer also has been included to erect a sign along the cul-de-sac in the reservation area to provide notice to residents that a future roadway connection is planned.*

6. **Initial Staff Comment:** Staff appreciates the Applicant's provision of the multi-use trail along the site's Gum Spring Road frontage.

Applicant's Response: Comment noted.

Issue Status: The Applicant's draft proffer statement (Proffer III.B.) now specifies the width of the proposed trail (e.g., an 8-foot wide trail within a 12-foot wide public access easement), but the dimensions listed are not consistent with current AASHTO standards (referenced in FSM Section 4.600(B)(2)(d)), which recommend a 10-foot wide trail centered within a 14-foot wide public access easement. The Applicant should provide these wider trail and easement sections. Issue not resolved.

Applicant Response: *The proffer matched the existing trail constructed along the Providence Ridge property but has been revised to provide the recommended section.*

7. **Initial Staff Comment:** The Applicant should provide typical sections for both the public and private streets proposed on site. Staff recommends that sidewalks be provided on both sides of the main public street through the site, and that the sidewalks connect with the proposed multi-use trail along Gum Spring Road.

Applicant's Response: All streets now are proposed as public streets with 5-foot sidewalks on both sides of the street. See Proffer III.B. A typical section drawing is included on the revised Concept Plan.

Issue Status: Public street profiles have been provided as requested, and language regarding sidewalks on both sides of the street is now included in the proffers. Issue resolved.

Applicant Response: Comment noted.

8. **Initial Staff Comment:** The Applicant should provide a regional road contribution of \$3,500.00 per each dwelling unit proposed on site. This amount is consistent with other recently approved rezoning applications in the surrounding area.

Applicant's Response: The applicant is proffering a regional road contribution of \$3,500 per unit, as recommended by staff. See Proffer IV.E.

Issue Status: The Applicant's proposed contribution is appreciated. Issue resolved.

Applicant Response: Comment noted.

9. **Initial Staff Comment:** The Applicant should provide a transit contribution of \$500.00 per each dwelling unit proposed on site. This amount is consistent with other recently approved rezoning applications in the surrounding area.

Applicant's Response: The applicant is proffering a transit contribution of \$500 per unit, as recommended by staff. See Proffer IV.D.

Issue Status: Given the size of this development, the proposed contribution is reasonable and appreciated. Issue resolved.

Applicant Response: *Comment noted.*

10. **Initial Staff Comment:** The 12 townhouses proposed on site are located in close proximity to the right-of-way for Gum Spring Road, which is classified as a major collector and which will ultimately be a six-lane (U6M) facility. Per **Revised CTP** policy, the Applicant should evaluate noise impacts on the proposed residential development and determine appropriate highway noise mitigation measures.

Applicant's Response: The Concept Plan has been revised to eliminate the townhouses. The application will provide the 75-foot building setback from the ultimate right-of-way, which will serve as a noise buffer along with a proposed landscape berm and existing, mature trees.

Issue Status: While the proposed unit types have been revised and moved further back from the Gum Spring Road right-of-way, the Applicant's response does not address **Revised CTP** policy regarding evaluation of noise impacts on the proposed residential units. The Applicant should commit to completion of a noise study prior to approval of the preliminary subdivision plat for this site, as well as commit to implement any noise mitigation measures recommended by the study. Issue not resolved.

Applicant Response: *The applicant has included a proffer to provide a noise study and any abatement measures recommended in the study, as recommended by staff.*

11. **Initial Staff Comment:** Development of the site should be limited to the number of units permitted by-right until such time as a four-lane (U4M) section of Gum Spring Road is in place.

Applicant's Response: This request is inconsistent with the proffers of the nearby recently approved Treberg site.

Issue Status: Given existing conditions on this segment of Gum Spring Road, a commitment to such a limitation is not an unreasonable request, particularly when the progress of construction plan approval and right-of-way acquisition in the area are considered. Staff notes that the pending Gum Spring Property rezoning application (ZMAP 2005-0040) has proffered a limitation on the number of units which can receive zoning permits until a four-lane section of Gum Spring Road near that site is in place. Issue not resolved.

Applicant Response: *The applicant has included a proffer to limit the issuance of occupancy permits to ten units until the four-lane section is constructed or bonded for construction.*

Conclusion

Subject to resolution of the unresolved issues noted above, OTS would not object to approval of this rezoning application.

Applicant Response: *The applicant has addressed the remaining OTS issues with this submission.*

VIRGINIA DEPARTMENT OF TRANSPORTATION (JOHN BASSETT, 7/20/2007)

We have reviewed the above noted application as requested in your June 25, 2007 transmittal. We have no objection to the approval of this application.

Applicant Response: *Comment noted.*

LOUDOUN COUNTY PUBLIC SCHOOLS (SAM ADAMO, 8/2/2007)

School Board staff has reviewed the second referral for the Yardley zoning map amendment. An updated project assessment chart is attached and provides the operational and capital expenses associated with the revised residential unit mix.

As a follow up to comments provided on September 27, 2006, staff appreciates the applicants' intent to provide sidewalks on both sides of the street to ensure that public school students residing within Yardley can safely walk to and from bus stop locations.

With the exception of providing updated project assessment information and acknowledging the provision of sidewalks along both sides of the street within the Yardley development, staff offers no further comment from that provided with the initial referral. Should you require any additional information, please contact me at your earliest convenience.

Applicant Response: *Comments noted.*

With this response, we look forward to being scheduled for the November Planning Commission public hearing.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH &
WALSH, P.C.



Christine Gleckner, AICP
Land Use Planner

CEG/tlm
Enclosure

cc: Michael Latham, GSR Partners
Jack Williams, Paciulli Simmons